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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,824	04/26/2004	Samir S. Soliman	010124C1	8905

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,824

Applicant(s)

SOLIMAN, SAMIR S.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-8,11-20,22,38,40,41 and 45-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8,11-13,18,22,38,41,45 and 47-51 is/are rejected.
- 7) ☒ Claim(s) 6,7,14-17,19,20,40 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 is indefinite since the language "sending a notification to the authorized user if the authorized user is near" fails to clearly and distinctly set forth which "authorized user" is notified. The claim does not clearly distinguish between "an authorized user" and "any authorized user" or if in fact there is a limitative distinction. Since "any" may include the first authorized user, any changes made to the user specified criteria by the user are contemplated thereby. Suggested claim amendments to clarify this would to differentiate between "first" and "second" authorized users or between "an authorized user" and "another authorized user".

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is

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determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 3, 4, 8, 11, 12, 13, 18, 22, 38, 41, 45, and 47-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (6,819,919).

6. Tanaka discloses a method for managing information received from a plurality of users 2 using a communications network 3 including a server 5 coupled to a database 6 which database stores both positional data of the mobile units as well as user profiles. Users may update or alter their profiles by editing his PublicImage, his Access Control, his Access groups, e.g. upon being authenticated; thus, each authorized user, who also meets the scope of any authorized user, has the capability of sending modifications of a user profile to the server. The database server compares a user request including search parameters and position information to the database to find matching profiles and upon determining a parameter match and positional parameter match sends a notification to the user. Additionally, each user profile includes a user ID, password, security lock, access control features to assign read/write privileges to other users or groups of users, and a PublicImage portion. The access control feature assigning read/write privileges to other users provides the teachings for third party modification of user profiles since it provides access privileges to the third party to modify the user profile. The "appliance" being a portable or fixed terminal computer is disclosed by Tanaka wherein the condition of position is detected and reported to the server.

7. Applicant's arguments with respect to the failure of the prior art to teach or suggest notifying a second user when the second user approaches a location at which a user-specified criteria can be met is not convincing and is shown by Tanaka.

8. Claims 1, 3, 4, 8, 11, 12, 13, 18, 22, 38, 41, 45, and 47-51 are rejected under 35 U.S.C. 102(a, e) as being anticipated by Cao et al (6,529,136).

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9. Cao et al disclose a group notification system and method including a plurality of user modules (200, 300), a central server (400) coupled to the users via a communication network (20), and clients (35) wherein the server determines proximity of users based on location stored in a location database and matches user profiles so as to notify respective parties of the proximity thereof. Moreover, a user/group manager has an executive privilege for changing the profile database containing information about the clients and the user wireless devices.

10. The applicant's argument with respect to the failure of the prior art to disclose third party modification of user profiles is not convincing in light of the teachings of Cao et al who show a manager having executive privileges for changing profile data.

11. Claims 6, 7, 14-17, 19, 20, 40 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Pressman (WO 01/67265 A1) discloses a system and method for managing information including first 80 and second 96 users/communication nodes each comprising a portable data terminal having a GPS receiver for determining location. Each user/node configures a personal profile that is stored in a remote database coupled to a server via a communication network. Additionally, the location of each user/node is stored in a location database for monitoring the location thereof. Thus, the claimed limitation method of managing information received from at least one user over a communication network is shown. The step of receiving information from an authorized user indicating user-specific criteria, personal profile data, is taught. The step of storing the information at a central database 92 linked to a communication network is taught. The step of monitoring the authorized user's location 94 is taught. The step of sending a notification 86 to the authorized user upon determination of at least one satisfied criteria is taught. Lastly, it is taught

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"the personal profile data stored at server 38 can be accessed and customized by the respective users in order to establish and update such data." Since the data may be updated, it is inherent that it is modified.

14. Ismail (WO 99/67765) disclose a system and method including a portable unit for each user 1, at least one central unit 2 coupled through a communication network 3 to the users, a computer determining position of each unit, and having a database 6 storing position of each user as well as individual-related parameters, wherein a particular service is provided to the portable units which fulfill a certain criterion with respect to position.

15. Drutman et al (6,618,593) disclose a method and system for matching first and second mobile communication devices wherein each mobile device is associated with preference/profile information and wherein a central server matches the preference information on the basis of location information and transmission statuses, see Figure 4 e.g., and notifies the respective parties.

16. Smith et al (6,697,842) disclose a dynamic content filter wherein user has the capability of modifying one or more of the user profile parameters.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is currently 703-306-4156. After mid-April the telephone number will be 571-272-6973. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 703-306-4171. Likewise, in mid-April, Thomas Tarcza's number will be 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory C. Issing
Primary Examiner
Art Unit 3662

gci